

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES**

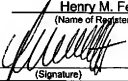
Docket No.: KESSLER

In re PATENT Application of: WINFRIED KESSLER et al.)	
)	Examiner: Leykin, Rita
)	Group Art Unit: 2837
Appl. No.: 10/598,768)	
Filing Date: June 18, 2007)	Confirmation No.: 9976
)	
For: ACTUATOR AND METHOD FOR)	
OPERATING AN ACTUATOR)	

**COMMUNICATION IN RESPONSE TO NOTIFICATION OF NON-
COMPLIANT APPEAL BRIEF, dated June 22, 2009**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

CERTIFICATION OF EFS-WEB TRANSMISSION	
I hereby certify that this paper is being EFS-Web transmitted to the U.S. Patent and Trademark Office, Alexandria VA 22313-1450, on <u>July 23, 2009</u> .	
Date	
<u>Henry M. Feiereisen</u>	
(Name of Registered Representative)	
 (Signature)	<u>7-23-2009</u> (Date of Signature)

This communication is in response to the Notification of Non-Compliant Appeal Brief of June 22, 2009, setting a shortened period for response terminating July 22, 2009, and replaces the Appeal Brief filed in due time on May 12, 2009, so as to present an Appeal Brief in compliance with 37 C.F.R. 41.37.

The appropriate fee of \$540.00 for submission of a Brief of Appeal has been paid by Credit Card on May 12, 2009.

The Commissioner is hereby petitioned to extend the period for response to above-referenced Official Action by ONE month until August 24, 2009.

- ☒ Accompanying this communication is the appropriate fee of \$130.00 pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a).
- ☐ The Commissioner is hereby authorized to charge the appropriate fee of \$ pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a) and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.
- ☒ The Commissioner is hereby also authorized to charge any fees which may be required during the pendency of this application, including any patent application processing fees under 37 C.F.R. 1.17, and any filing fees under 37 C.F.R. 1.16, including presentation of extra claims, or credit any overpayment to Deposit Account No: 06-0502.

Respectfully submitted,

By: 

Henry M. Feiereisen
Reg. No.: 31,084
Agent for Applicant

Date: July 23, 2009
708 Third Avenue
Suite 1501
New York, N.Y. 10017
(212) 244-5500
HMF/RL:af